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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/758,235 7	09/758,235 01/12/2001 Stefano Turri 7590 09/23/2003			108910-00022 /0	
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC 1050 Connecticut Avenue, N.W., Suite 600 Washington, DC 20036-5339			EXAMINER		
			SERGENT, RABON A		
	•		ART UNIT	PAPER NUMBER	
			1711		
			DATE MAILED: 09/23/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application No. Application No. O9758;235 TURRI ET AL.	· · · · · · · · · · · · · · · · · · ·		The state of the s				
Examiner Art Unit Rabon Sergent 1711	•	Application No.	Applicant(s)				
Rabon Sergent 1711 - The MAILING DATE This communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the MAILING DATE OF THIS COMMUNICATION and STOR 1.35(a), in no event, however, may a reply be limely filed search 2019, (MONTH) been shall be considered with the control of the search 2019, (MONTH) been shall be considered with the statutory period will apply within the statutory minimum of thirty (30) says will be considered limely. If the period for reply appealed show, the masemum statutory period will apply within the statutory minimum of thirty (30) says will be considered limely. If the period for reply appealed show, the masemum statutory period will apply within the statutory minimum of thirty (30) says will be considered limely. If the period for reply appealed show, the masemum statutory period will apply within the statutory minimum of thirty (30) says will be considered limely. If the period for reply appealed with the period of the communication, the period of the communication. Application is FINAL. 2	Office Action Summany						
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1. Claims 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Within claim 15, the Markush language is improper. A Markush group, by definition, must be closed to the inclusion of additional components. Therefore, the use of "including" is improper, because it is "open" language.

- 2. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Support has not been found for claiming that the parts of the ratio between compound 1.b) and 1.a) are parts by weight.
- 3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to R. Sergent at telephone number (703) 308-2982.

RABON SERGENT PRIMARY EXAMINER

R. Sergent

September 22, 2003